

**Introduced by Senator Johnston**

February 19, 1998

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An act to amend Section 3000 of the Penal Code, relating to parole.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1936, as introduced, Johnston. Parolees: risk assessment and assistance.

Existing law authorizes the Department of Corrections to establish and maintain classes for inmates that provide academic and industrial education, and trade and vocational training. The department is also authorized to develop and operate work programs that enable inmates to acquire and improve work habits and occupational skills, to assist inmates who have been paroled or discharged in securing employment, and to assist inmates who are addicted to controlled substances.

This bill would require the Department of Corrections to evaluate each parolee prior to release from prison to determine whether the parolee is amenable to treatment and what type of treatment, if any, would be the most effective for that parolee. The bill would require that the evaluation be based on specified criteria, and would also require that job placement assistance and counseling be made available to all parolees whose evaluation indicates that he or she would benefit from those services.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3000 of the Penal Code is  
2 amended to read:

3 3000. (a) (1) The Legislature finds and declares that  
4 the period immediately following incarceration is critical  
5 to successful reintegration of the offender into society and  
6 to positive citizenship. It is in the interest of public safety  
7 for the state to provide for the supervision of and  
8 surveillance of parolees, including the judicious use of  
9 revocation actions, and to provide educational,  
10 vocational, family and personal counseling necessary to  
11 assist parolees in the transition between imprisonment  
12 and discharge. A sentence pursuant to Section 1168 or  
13 1170 shall include a period of parole, unless waived, as  
14 provided in this section.

15 (2) The Legislature finds and declares that it is not the  
16 intent of this section to diminish resources allocated to the  
17 Department of Corrections for parole functions for which  
18 the department is responsible. It is also not the intent of  
19 this section to diminish the resources allocated to the  
20 Board of Prison Terms to execute its duties with respect  
21 to parole functions for which the board is responsible.

22 (3) The Legislature finds and declares that diligent  
23 effort must be made to ensure that parolees are held  
24 accountable for their criminal behavior, including, but  
25 not limited to, the satisfaction of restitution fines and  
26 orders.

27 (4) Any finding made pursuant to Article 4  
28 (commencing with Section 6600) of Chapter 2 of Part 2  
29 of Division 6 of the Welfare and Institutions Code, that a  
30 person is a sexually violent predator shall not toll,  
31 discharge, or otherwise affect that person's period of  
32 parole.

33 (b) Notwithstanding any provision to the contrary in  
34 Article 3 (commencing with Section 3040) of this chapter,  
35 the following shall apply:

36 (1) At the expiration of a term of imprisonment of one  
37 year and one day, or a term of imprisonment imposed  
38 pursuant to Section 1170 or at the expiration of a term



1 reduced pursuant to Section 2931, if applicable, the  
2 inmate shall be released on parole for a period not  
3 exceeding three years, unless the parole authority for  
4 good cause waives parole and discharges the inmate from  
5 custody of the department.

6 (2) In the case of any inmate sentenced under Section  
7 1168, the period of parole shall not exceed five years in the  
8 case of an inmate imprisoned for any offense other than  
9 first or second degree murder for which the inmate has  
10 received a life sentence, and shall not exceed three years  
11 in the case of any other inmate, unless in either case the  
12 parole authority for good cause waives parole and  
13 discharges the inmate from custody of the department.  
14 This subdivision shall be also applicable to inmates who  
15 committed crimes prior to July 1, 1977, to the extent  
16 specified in Section 1170.2.

17 (3) The parole authority shall consider the request of  
18 any inmate regarding the length of his or her parole and  
19 the conditions thereof.

20 (4) Upon successful completion of parole, or at the end  
21 of the maximum statutory period of parole specified for  
22 the inmate under paragraph (1) or (2), as the case may  
23 be, whichever is earlier, the inmate shall be discharged  
24 from custody. The date of the maximum statutory period  
25 of parole under this subdivision and paragraphs (1) and  
26 (2) shall be computed from the date of initial parole and  
27 shall be a period chronologically determined. Time  
28 during which parole is suspended because the prisoner  
29 has absconded or has been returned to custody as a parole  
30 violator shall not be credited toward any period of parole  
31 unless the prisoner is found not guilty of the parole  
32 violation. However, in no case, except as provided in  
33 Section 3064, may a prisoner subject to three years on  
34 parole be retained under parole supervision or in custody  
35 for a period longer than four years from the date of his or  
36 her initial parole, and, except as provided in Section 3064,  
37 in no case may a prisoner subject to five years on parole  
38 be retained under parole supervision or in custody for a  
39 period longer than seven years from the date of his or her  
40 initial parole.

1 (5) The Department of Corrections shall meet with  
2 each inmate at least 30 days prior to his or her good time  
3 release date and shall provide, under guidelines specified  
4 by the parole authority, the conditions of parole and the  
5 length of parole up to the maximum period of time  
6 provided by law. The inmate has the right to  
7 reconsideration of the length of parole and conditions  
8 thereof by the parole authority. The Department of  
9 Corrections or the Board of Prison Terms may impose as  
10 a condition of parole that a prisoner make payments on  
11 the prisoner's outstanding restitution fines or orders  
12 imposed pursuant to subdivision (a) or (c) of Section  
13 13967 of the Government Code, as operative prior to  
14 September 28, 1994, or subdivision (b) or (f) of Section  
15 1202.4.

16 (6) (A) *The Department of Corrections shall*  
17 *evaluate each parolee prior to release from prison in*  
18 *order to determine whether the parolee is amenable to*  
19 *treatment and the type of treatment, if any, that would*  
20 *be the most effective for that parolee. The evaluation*  
21 *shall be based on, but not limited to, criminal history,*  
22 *education, emotional problems, alcohol and drug abuse*  
23 *dependence, and attitudinal elements.*

24 (B) *Job placement assistance and counseling shall be*  
25 *made available to all parolees whose evaluation indicates*  
26 *that he or she would benefit from those services.*

27 (7) For purposes of this chapter, the Board of Prison  
28 Terms shall be considered the parole authority.

29 ~~(7)~~

30 (8) The sole authority to issue warrants for the return  
31 to actual custody of any state prisoner released on parole  
32 rests with the Board of Prison Terms, except for any  
33 escaped state prisoner or any state prisoner released prior  
34 to his or her scheduled release date who should be  
35 returned to custody, and Section 3060 shall apply.

